



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,709	10/24/2001	Michael A. Tavis	MI103.70273US00	5403
45840 7590 10/16/2008 WOLF GREENFIELD (Microsoft Corporation) C/O WOLF, GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206				
EXAMINER				
BILGRAMI, ASGHAR H				
ART UNIT		PAPER NUMBER		
2443				
MAIL DATE		DELIVERY MODE		
10/16/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/032,709

**Applicant(s)**

TAVIS ET AL.

**Examiner**

ASGHAR BILGRAMI

**Art Unit**

2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 July 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 and 32-41 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-30 and 32-41 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 24 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donohue et al (U.S. 6,199,204 B1) and Parthesarathy et al (U.S. 6,353,926 B1).
3. As per claims 1 & 11 Donohue disclosed apparatus adapted for use in a peer-to-peer collaboration system (col.7, lines 12-25), the apparatus comprising a computer system with a memory and a computer-readable medium having computer-executable modules, the computer-executable modules comprising: an activity program adapted to implement a portion of a collaboration session (col.3, lines 15-21, col.4, lines 15-22 & col.9, lines 51-54), the activity program modifying a local data copy of a shared space in response to deltas generated as a result of user actions within the collaboration system (col.7, lines 55-67 & col.8, lines 1-12), and the activity program generating a component update request in response to an action by user within the session; a component manager that receives the component update request from the activity program (col.5, lines 1-10), and has a parser that extracts from the request URL information which identifies the location of a file containing software component

resources for satisfying the component update request (col.8, lines 25-47 & figure.3), wherein the component manager is adapted to determine whether the requested software component is already installed on the computer system and to selectively invoke the download manager based on the determination (col.8, lines 64-67 & col.9, lines 1-9), whereby the computer system can use the component to maintain a second local data copy of the shared space that is synchronized with first local data copy (col.5, lines 17-35). However, Donohue did not explicitly disclose a download manager that receives the URL information from the component manager and has a file retriever which asynchronously retrieves the file from the specified location, places the file in a staging area in the memory; and an install manager that asynchronously install the file. In the same field of endeavor Parthesarathy disclosed a download manager that receives the URL information from the component manager and has a file retriever which asynchronously retrieves the file from the specified location and places the file in a staging area in the memory and notifies the component manager; and an install manager that is instructed by the component manager to asynchronously install the file in the staging area; and an install manager the asynchronously installs the file (col.5, lines 61-67 & col.6, lines 1-13 & lines 14-31).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated a component manager asynchronously retrieving file from a specified location as disclosed by Parthesarathy into an apparatus for managing software component update as disclosed by Donohue in order to provide the

software/data transfer in a more efficient and secure manner and as a result make the software component apparatus more stable and prone to unauthorized users.

4. As per claims 2 & 12 Donohue-Parthesarathy disclosed the apparatus of claim 1 wherein: the peer-to-peer collaboration system comprises a first peer device and a second peer device; and the activity program comprises a first activity program and is installed on the first peer device; the system comprises a second activity device program installed on the second peer device; and the action by the user comprises interaction with the second activity program (col. (Donoghue, col.3, lines 50-67 & col.4, lines 1-36).

5. As per claims 3 & 13 Donohue-Parthesarathy disclosed the apparatus of claim 1 wherein the component manager comprises a security section that validates the file before installation (Parthesarathy, col.8, lines 53-65).

6. As per claims 4 & 14 Donohue-Parthesarathy disclosed the apparatus of claim 1 further comprises a manifest contains a list of all software components installed on the computer system (Donohue , col.8, lines 64-67 & col.9, lines 1-9).

7. As per claims 5 & 15 Donohue-Parthesarathy disclosed the apparatus of claim 4 wherein the component manager comprises a mechanism that responds to the request by checking the manifest to ascertain whether the requested software component is

already installed on the computer system (Donohue , col.8, lines 64-67 & col.9, lines 1-9).

8. As per claims 6 & 16 Donohue-Parthesarathy disclosed the apparatus of claim 1 wherein the component manager comprising a polling mechanism that periodically polls component locations to locate new component version (Parthesarathy, col.5, lines 61-67 & col.6, lines 1-10).

9. As per claims 7 & 17 Donohue-Parthesarathy disclosed the apparatus of claim 5 wherein the software component may be a system component that is required for operation of the apparatus or an application component that is not required for operation of the apparatus and wherein the apparatus further comprises a system component manager that receives a request for the system component and a system component installer that is started by the system component manager (Parthesarathy, col.5, lines 61-67 & col.6, lines 1-67) .

10. As per claims 8 & 18 Donohue-Parthesarathy disclosed the apparatus of claim 2 wherein the activity program generates the update request in response to receiving an invitation for a user to join the collaboration session, the invitation being generated in response to an action by a user within the collaboration session (Donohue, col.1, lines 51-67 & col.1, lines 1-2 & col.7, lines 22-25).

11. As per claims 9 & 19 Donohue-Parthesarathy disclosed the apparatus of claim 1 wherein the activity program generates the update request in response to receiving an update delta for the collaboration session, the update delta being generated in response to an action by a user within the collaboration session. (Donohue, col.7, lines 12-25).

12. As per claims 10 & 20 Donohue-Parthesarathy disclosed the apparatus of claim 7 wherein the component manager comprises an activation factory for activating installed software components (Donohue, col.8, lines 64-67 & col.9, lines 1-9).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 21-30 & 32-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varma et al (U.S. 6,334,141 B1) and Carley et al (U.S 6,701,345 B1).

15. As per claims 21 & 32 Varma disclosed apparatus for use in a peer-to-peer collaboration system comprising a computer system with memory and at least one other computer system maintaining a first local data copy of a shared space, the apparatus comprising: means for implementing a collaboration session for a user, the means for

implementing adapted to maintain a local copy of a data space shared by a plurality of collaborating members in the collaboration session (col.3, lines 60-67 & col.4, lines 1-24) and to receive an indication of a component in use within the collaboration session involving at least one other computer system (see figure 1 and title of Varma) and to selectively generate an update request for the component (col.5, lines 16-67 & col.6, lines 1-27) based on the indication of use with the collaboration session (col.5, lines 16-67 & col.6, lines 1-27): means responsive to the request, for parsing the request to extract from the request URL information which identifies the location of a file containing software component resources for satisfying the request (col.11, lines 38-54), whereby the computer system can use the component to maintain a second data copy of the shared space that is synchronized with the first data copy (col.2, lines 66-67, col.3, lines 1-6 & col.5, lines 16-46). However Varma did not explicitly disclose means for receiving the URL information and asynchronously retrieving the file from the identified location; and means cooperating with the parsing means for installing the component from the file while the collaboration system is executing. In the same filed of endeavor Carley disclosed (col.50, lines 54-67 & col.52, lines 1-16) means for receiving the URL information and asynchronously retrieving the file from the identified location; and means cooperating with the parsing means for asynchronously installing the component from the file while the collaboration system is executing (figure.5, col.4, lines 42-64 & col.130, lines 54-67 & col.131, lines 1-27) .

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated a component manager asynchronously retrieving file



from the identified location as disclosed by Carley into an apparatus for managing software component update as disclosed by Varma in order to provide the software/data transfer in a more efficient and secure manner and as a result make the software component apparatus more stable and prone to unauthorized users.

16. As per claims 22 & 33 Varma - Carley disclosed the apparatus of claim 32 wherein the file contains an OSD description of the software component resources (Carley, figure.2, col.6, lines 37-63).

17. As per claims 23 & 34 Varma - Carley disclosed the apparatus of claim 32 wherein the parsing means comprises means for validating the file before installation (Carley, col.13, lines 4-10).

18. As per claims 24 & 35 Varma - Carley disclosed the apparatus of claim 32 further comprises a manifest which contains a list of all software components installed on the computer system (Varma, col.1, lines 12-34).

19. As per claims 25 & 36 Varma - Carley disclosed the apparatus of claim 35 wherein the parsing means comprises means responsive to the request for checking the manifest to ascertain whether the requested software component is already installed on the computer system (Varma, col.1, lines 12-34).

20. As per claims 26 & 37 Varma - Carley disclosed the apparatus of claim 32 wherein the parsing means comprises means for periodically polling component locations to locate new component version (Carley, col.117, lines 4-21).

21. As per claims 27 & 38 Varma - Carley disclosed the apparatus of claim 32 wherein the software component may be a system component that is required for operation of the apparatus or an application component that is not required for operation of the apparatus and wherein the apparatus further comprises a system component manager that receives a request for the system component and a system component installer that is started by the system component manager (Carley, col.117, lines 4-21).

22. As per claims 28 & 39 Varma - Carley disclosed the apparatus of claim 38 wherein the system component installer comprises means for shutting the system component manager down before installing an in-use component (Varma, col.2, lines 43-67 & col.3, lines 1-6).

23. As per claims 29 & 40 Varma - Carley disclosed the apparatus of claim 39 wherein the system controller comprises means for restarting the system component manager after system component has been installed (Varma, col.5, lines 16-67 & col.6, lines 1-27)

24. As per claims 30 & 41 Varma - Carley disclosed the apparatus of claim 32 wherein the parsing means comprises means for activating installed software components (Varma, col.1, lines 12-34).

### ***Response to Arguments***

Applicant's arguments filed 7/1/2008 have been fully considered but they are not persuasive.

25. Applicant argued that the amended limitations are not anticipated by the prior arts.

As to applicant's argument examiner has cited the pertinent portions of the arts on the office action above.

26. Applicant argued that the cited passages of Donoghue fail to disclose a peer-to-peer collaboration system or an "activity program".

As to applicant's argument examiner has clearly cited the portion in Donoghue which describes its collaborative functionalities.

Donoghue States:

For an updater component to find and talk to another  
updater component on another remote machine the above  
information would have to be augmented by having a  
repository 40' which is accessible from both machines  
(preferably a central or distributed database accessible from  
anywhere in the network, such as a Web Page or pan-  
network file) and is available to all updater components that  
require it. Entries would be of the form updater\_name  
machine\_ip\_address (OR DNS entry), port number, pro-  
tocol.

For example, the manufacturing department of an organi-  
sation may have three computer systems on which distrib-  
uted software products collaborate with each other, the  
systems being called a, b and c. Typical entries in the Web  
page or file manufacturing\_collaborators.html might be:  
ibm\_catia\_updater a.manufacturing.com 5000 tcp  
ibm\_db2pe\_updater b.manufacturing.com 5100 tcp  
ibm\_cics\_updater c.manufacturing.com 4780 tcp

An updater component can then connect and talk to any  
other updater component using the DNS name to create an  
IP address and the port number which the remote updater  
component is listening to at that address.

27. Applicant's arguments with respect to amended claims 21 and 32 are moot  
because examiner has introduced a new art. Please see rejection above.

### **Conclusion**

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time  
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE  
MONTHS from the mailing date of this action. In the event a first reply is filed within  
TWO MONTHS of the mailing date of this final action and the advisory action is not  
mailed until after the end of the THREE-MONTH shortened statutory period, then the  
shortened statutory period will expire on the date the advisory action is mailed, and any  
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASGHAR BILGRAMI whose telephone number is (571)272-3907. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L.M. Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. B./  
Examiner, Art Unit 2443  
/Nathan J. Flynn/  
Supervisory Patent Examiner, Art Unit 2454